Filed 4/6/09

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

A.N., a Minor, etc., Plaintiff and Appellant, v. COUNTY OF LOS ANGELES et al., Defendants and Respondents.	B204345 (Los Angeles County Super. Ct. No. BC333416) **ORDER MODIFYING OPINION AND DENYING PETITION FOR REHEARING** [No Change in the judgment]

IT IS ORDERED that the opinion filed in the above-captioned matter on March 5, 2009, be modified as follows:

1. On page 5, delete the language on footnote 2 and replace with the following:

"The parties' arguments on appeal have essentially invited us to consider the Doe amendments together and advance the parties' respective positions that the Doe amendments either all rise or all fall together. For this reason, we hereafter refer to the individual defendants collectively as the "Doe Defendants." "

2. On page 11 and continuing on page 12, the last paragraph commencing with "The cases cited by A.N. . . ." should be deleted and replaced with:

"The cases cited by A.N. do not persuade us to reach a different result. In *Mesler v. Bragg Management Co*. (1985) 39 Cal.3d 290 (*Mesler*), the Supreme Court recognized the strong policy in favor of liberal allowance of pleadings and observed that reversal of a trial court's order

denying an amendment is "common" where the plaintiff makes a showing on appeal that he or she was prejudiced by the trial court's order. (*Id*. at pp. 296-297.) In *Mesler*, the Supreme Court concluded the trial court should have allowed plaintiff to amend to add an alter ego issue because: the trial court denied the amendment stating it would result in continuing plaintiff's time for trial yet plaintiff requested the amendment; defendant was not surprised by plaintiff's reliance on the theory; the related concept of agency had been alleged in the original complaint; and plaintiff had relied on the alter ego theory in opposition to other motions. (*Id*. at p. 297.) In A.N.'s current case, allowing the Doe amendments would have resulted in bringing in entirely new parties who would have had to prepare to defend against a case in short order; and, although they may have been involved in discovery, they had no advance notice they were being sued. In essence, this case is entirely unlike *Mesler*."

3. On page 12, the following sentence should be added right after footnote 3:

"As noted above, A.N.'s case involves bringing in new parties, not adding claims against a party already defending an action."

This modification effects no change in the judgment.

The petition for rehearing filed by Appellant on March 20, 2009, is denied.

RUBIN, Acting P. J. BIGELOW, J. O'NEILL, J.*

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* Judge of the Ventura Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.